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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,919	01/27/2000	Dale Burns		9242

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EXAMINER

SEAL, JAMES

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 11/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/491,919	BURNS ET AL.
	Examiner James Seal	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 January 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This Action is in regards to applicant's correspondence of 27 January 2000.
2. The IDS was enclosed by the examiner and a signed copy is enclosed with this action.

Claim Objections

Claim 3 objected to because of the following informalities: There should be a space between claim and 2. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Council US 6192114 A, and further in view of Chen et. al. US 5832208 A.

5. As per claim 1, the limitation of an email screening system is disclosed by Council, Column 3, lines 22-25. The limitation of a sender and recipient connected to a network is disclosed Column 3 lines 14-19 Figure 1 and the limitation that the email screening server is also connected to the same network screening email of the recipient is disclosed Col 3, lines 19-24 lines 39-40. The limitation that the email screening server that the email will be forwarded to the recipient for a fee is disclosed Column 1 lines 30-33, Figure 2. Council is silent on the screening of email for virus. Chen teaches the

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detecting and removing computer viruses located in the attachment of email messages for an email system Column 5, lines 6-10. One of ordinary skill in the art at the time the invention was made would have been motivated to add virus scanning to the regular scanning of email provided by the Council system, as a means to provide protection to the user from viruses which can be easily scanned at the time of receipt. Claim 1 is rejected.

6. Claims 2-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Council and Chen as applied to claim 1 above, and further in view of Hardy et. al. US 6073242 A.

7. As per claim 2, with regards to the limitation that a password is used as a means of discerning authorized mail to the user Council is silent. Council teaches the use of an authorization list. Hardy teaches the use of passwords as a means of authorization (Column 9, 15-17). One of ordinary skill in the art at the time the invention was made would have been motivated to use a password system as opposed to an authorization list because such list are difficult to keep updated.

8. As per claim 3, the screener holding email without a password. It is inherent in the Council/Chen system that since if the sending part is not authorized to send electronic mail to the recipient then the sending party is asked to provide a fee for delivery to the recipient (Column 1, lines 28-33). Thus in the Council/Chen/Hardy system the email would have to be held to determine if the sender is welling to pay the fee. Claim 3 is rejected.

9. As per claim 4, alerting the recipient that an email message is being held by the screening computer which is without password authorization is disclosed by Council. Council any or all of the fee may be paid by the receiving party, which implies that the receiving party must be alerted to authorized mail in order to be given a chance to pay the fee. Claim 4 is rejected.

10. As per claim 5, the limitation that the email screening system further charges the sender a fee to forward email message that is not password authorized to the recipient is disclosed by Council/Chen combination Column 1, lines 30-33. Claim 5 is rejected.

11. As per claim 6, the limitation of a method for screening email, which screens the email for viruses and forwards to recipient if password authorized but holds email if not password authorized is disclosed by the Council/Chen/Hardy combination. In particular Council describes the email scanner with authorization list Column 1, lines 29-33 and Column 3, lines 15-40, Hardy modifies this to allow password authorization Column 9, lines 15-18 and Chen provides scanning for Viruses Column 5, lines 5-10. Motivation to combine Council and Hardy is that authorization list are too difficult to keep updated motivation to motivies by Chen is that the chief cause of virus attacks is through email attachments and thus the email scanner could also provide the recipient a second service, that is scanning for viruses. Claim 6 is rejected.

12. As per claim 7, the limitation of notifying the sender and recipient was addressed in claim 4 and charging the sender fees see Figure 2 of Council. Claim 7 is rejected.

13. As per claim 8, the limitation of providing the recipient the option of receiving email without authorization is not disclosed by the Council/Hardy/Chen but such a

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option would certainly be one that would be obvious to one of ordinary skill in the art at the time of the invention because if the recipient is out of town for an extended time, they might not wish to miss unexpected mail. Claim 8 is rejected.

14. As per claim 9, the limitation of sharing the fee with the recipient is disclosed by Council, Column 3, lines 54-56. Claim 9 is rejected.

15. As per claim 10, the limitation of re-routing email (Column 3, lines 40-41 Coluncil) to be scanned for viruses (Column 5, lines 5-10 Chen) and notifying sender that email will be sent to recipient for a fee (Council Figure 2) and sending the email has been paid and sharing the fee (Column 3, lines 54-55) with the recipient is disclosed by Council and Chen. Claim 10 is rejected.

16. As per claim 11, the limitation of virus screening of email (Column 5, lines 5-10), setting up authorization within the scanning system for holding mail that was no authorized and forwarding authorized email to recipient (Council, Column 1, lines 28-32; Column 3, lines 15-30), and finally setting up password authorization for the system Hardy (Column 9, lines 15-17). Claim 11 rejected.

17. As per claim 12, the method of automatically forwarding password authorized email to recipient (Column Figure 2, Hardy Column9, lines 15-17). Claim 12 rejected.

18. As per claim 13, the limitation of notifying sender that email is not password authorized and charging a fee to sender for delievery is disclosed in Council Figure 2, and Hardy (Column 9, lines 15-17). Claim 13 is rejected.

19. As per claim 14, the limitation of sharing fee with recipient (that is a percentage to the recipient) Column 4, 28-30. Claim 14 is rejected.

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20. As per claim 15, the limitation of providing a recipient with an option to pay for screening and sending email is disclosed by Council Column 3, lines 54-55. Claim 15 rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Seal whose telephone number is 703 308 4562. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9685. The fax phone number for the organization where this application or proceeding is assigned is 703 746 7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 3900.



James Seal
Examiner AU 2131
November 17, 2003